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PATTERSON & SHERIDAN, LLP
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

In re Application of Janes
Application No.: 10/595,423
PCT Application No.: PCT/US04/41559
Int. Filing Date: 10 December 2004
Attorney Docket No.: FOXR0011-2
For: SHOCK ABSORBER WITH PRESSURE-
CONTROLLED DAMPING

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: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
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This decision is in response to applicant's PETITION FOR REVIVAL UNDER 37 CFR 1.137(b), filed in the United States Patent and Trademark Office (PTO) on April 17, 2006. The petition is DISMISSED as MOOT.

BACKGROUND

On 10 December 2004, applicants filed international application PCT/US04/41559. The international filing date is 10 December 2004, and designates the United States. The international application does not claim priority under PCT Rule 4.10 to an earlier application. Accordingly, the deadline for paying the U.S. basic national fee to enter into the United States National Stage was thirty months from the international filing date, that is 10 June 2007.

On 17 April 2006, applicants filed the instant petition for revival accompanied by, *inter alia*, a transmittal letter requesting entry into the national phase under 35 U.S.C. 371, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and the petition fee of \$750.00.

DISCUSSION

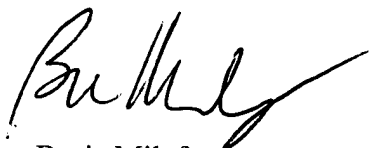
Since the deadline under 37 CFR 1.495(b) for paying the basic national fee did not expire until 10 June, 2007, and applicant paid the basic national fee before such date, the present application is not abandoned. Accordingly, the instant petition to revive an abandoned application under 37 CFR 1.137(b) is moot.

CONCLUSION

For the above reasons, applicant's petition to revive the application abandoned under 37 CFR 1.137(b) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Division for further processing consistent with this decision.

/Helen L. Pezzuto/
Detaillee
PCT Legal Administration
Tel: 571-272-6094
Fax: 571-273-0459



Boris Milef
PCT Legal Examiner
PCT Legal Administration
Tel: 571-272-3288
Fax: 571-273-0459